where the petitioner is a person of such limited education as to be incapable of fairly presenting his

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1 claims. See Chaney, 801 F.2d at 1196; see also Hawkins v. Bennett, 423 F.2d 948 (8th Cir.1970). 2 The court notes that the motion for reconsideration is not appropriate at this time because 3 a party may only challenge a final judgment or order in such a motion, and the underlying motion for 4 counsel had been denied without prejudice. See Federal Rules of Civil Procedure 59(e) and 60(b). 5 However, petitioner proceeded to file a third motion for appointment of counsel; thus the court need not exercise its discretion to construe the motion for reconsideration as a renewed motion for counsel. 6 7 Moreover, the current motion for appointment of counsel (docket #14) is denied. The petition in this 8 action appears sufficiently clear in presenting the issues that petitioner wishes to raise. Petitioner has 9 not raised any new issues in his successive motions for appointment of counsel, and counsel is not justified in this action. The motion is denied with prejudice, and further motions for counsel will not 10 be entertained in this case. 11 IT IS THEREFORE ORDERED that respondents' motion for enlargement of time to 12 13 respond to the petition (docket #15) is **GRANTED**. Respondents shall file their response on or before November 17, 2011. 14 15 IT IS FURTHER ORDERED that petitioner's motion for district judge to reconsider order (docket #13) is **DENIED**. 16 17 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel 18 (docket #14) is **DENIED** with prejudice. DATED this 4th day of October 2011. 19 20 21 UNITED STATES DISTRICT JUDGE 22

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